IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

THURSDAY, THE 28TH JUNE 2007 / 7TH ASHADHA 1929

WP(C).No. 19794 of 2007(S)

AGAINST THE ORDER DATED / / IN IA. 1064 /2007 IN OS.294/2005 of FAMILY COURT, KOTTARAKKARA
.....

PETITIONER:

SHANAVAS, S/O. V.SAINUDEEN, AGED 37,
NAVAS MANZIL, NADUKKUNNU, PATHANAPURAM,
KOLLAM DISTRICT.

BY ADV. SRI.K.RAMAKUMAR
SRI.T.RAMPRASAD UNNI

RESPONDENTS:
----

1. **SHYNI, D/O. ABDUL KHADER,**
SHYNI BHAVANAM, KADUVATHODE MURI, PATTAZHI,
VADAKKEKARA VILLAGE, PATHANAPURAM TALUK,
KOLLAM DISTRICT.

2. **SAINUDHEEN, S/O. VAVALEBHA,**
NADUKKUNNU, PATHANAPURAM, KOLLAM DISTRICT.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

W.P.(C).NO.19794 OF 2007 (S)

Dated this the 28th day of June, 2007

J U D G M E N T

KOSHY,J.

Petitioner is the 1st respondent in O.S.No.294/2004 before the Family Court, Kottarakara. The suit is filed by the 1st respondent who is the wife of the petitioner seeking return of gold ornaments and money allegedly given to the petitioner by the respondent at the time of marriage and for ancillary reliefs. It is her case that gold ornaments belonging to her is kept in the bank locker. Therefore she filed an I.A. stating that her gold ornaments are kept in the Federal Bank locker and she seeks for opening of the locker. But that prayer was opposed by the respondent and hence court ordered to appoint a Commissioner. According to the petitioner herein, she had operated the locker and therefore opening of the locker is not necessary in deciding the case. Considering both contentions, the Family Court Judge appointed a Commissioner so that

locker can be opened and a mahazer can be taken regarding the contents in the locker. The learned counsel submitted that this can be done only after the judgment. After deciding the matter no purpose will be served to appoint a Commissioner or verifying the locker. Considering the facts and circumstances of the case, we see absolutely no ground to interfere in the matter and hence this writ petition is dismissed.

J.B.KOSHY, JUDGE

K.P.BALACHANDRAN, JUDGE

prp

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

M.F.A.NO. OF 2006 ()

J U D G M E N T

28th June, 2007